

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 967

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IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 12), 1994

Received; read twice and referred to the Committee on Agriculture, Nutrition,  
and Forestry

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## AN ACT

To amend the Federal Insecticide, Fungicide, and  
Rodenticide Act with respect to minor use pesticides.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CON-**  
4       **TENTS.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Minor Crop Protection Act of 1994”.

1       (b) REFERENCE.—Whenever in this Act an amend-  
 2       ment or repeal is expressed in terms of an amendment  
 3       to, or repeal of, a section or other provision, the reference  
 4       shall be considered to be made to a section or other provi-  
 5       sion of the Federal Insecticide, Fungicide, and  
 6       Rodenticide Act.

7       (c) TABLE OF CONTENTS.—The table of contents for  
 8       this Act is as follows:

Sec. 1. Short title; reference; table of contents.

#### TITLE I—MINOR CROP PROTECTION

Sec. 101. Minor crop protection.

#### TITLE II—PUBLIC HEALTH PESTICIDES

Sec. 201. Definitions.  
 Sec. 202. Registration.  
 Sec. 203. Reregistration.  
 Sec. 204. Cancellation.  
 Sec. 205. Views of the Secretary of Health and Human Services.  
 Sec. 206. Authority of Administrator.  
 Sec. 207. Identification of pests.  
 Sec. 208. Authorization of appropriations.

#### TITLE III—ANTIMICROBIAL PESTICIDES

Sec. 301. Antimicrobial pesticides.  
 Sec. 302. Pesticide labeling.

#### TITLE IV—EXPEDITED REVIEW OF CERTAIN PESTICIDE REGISTRATIONS

Sec. 401. Office of accelerated review.  
 Sec. 402. Expedited review of certain pesticide registrations.  
 Sec. 403. Conditional registration for certain pesticides.  
 Sec. 404. Integrated pest management.  
 Sec. 405. Resistance management.

# **TITLE I—MINOR CROP PROTECTION**

## **SEC. 101. MINOR CROP PROTECTION.**

(a) DEFINITION.—Section 2 (7 U.S.C. 136) is amended by adding at the end the following:

“(hh) MINOR USE.—The term ‘minor use’ means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health where—

“(1) the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant, the use does not provide sufficient economic incentive to support the initial registration or continuing registration of a pesticide for such use; and

“(2) the Administrator has not determined that, based on existing data, such use presents a risk of an unreasonable adverse effect on the environment.”.

(b) EXCLUSIVE USE OF MINOR USE PESTICIDES.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following:

1           “(ii) The period of exclusive data use  
2           for data submitted to support the applica-  
3           tion for the original registration of a pes-  
4           ticide under clause (i) shall be granted an  
5           additional 3 years if, after the date of en-  
6           actment of this clause, the Administrator  
7           approves at least 3 minor uses of the pes-  
8           ticide before the expiration of the period of  
9           exclusive use under this clause. Any addi-  
10          tional exclusive use period under this  
11          clause shall terminate if the original data  
12          submitter voluntarily cancels all registra-  
13          tions of the pesticide containing such  
14          minor uses.”.

15          (c) TIME EXTENSIONS FOR DEVELOPMENT OF  
16 MINOR USE DATA.—

17           (1) DATA CALL-IN.—Subparagraph (B) of sec-  
18          tion 3(c)(2) (7 U.S.C. 136a(c)(2)(B)) is amended by  
19          adding at the end the following:

20                   “(vi) Upon the request of a registrant,  
21           the Administrator shall, in the case of a  
22           minor use, extend the deadline for the pro-  
23           duction of residue chemistry data under  
24           this subsection for data required solely to  
25           support that minor use until the final

1 deadline for submission of data under sec-  
2 tion 4 for the other uses of the pesticide  
3 if—

4 “(I) the data to support other  
5 uses of the pesticide are being pro-  
6 vided;

7 “(II) the registrant, in submit-  
8 ting a request for such an extension,  
9 provides a schedule, including dates to  
10 measure progress, to assure that the  
11 data production will be completed be-  
12 fore the expiration of the extension  
13 period;

14 “(III) the Administrator has de-  
15 termined that such extension will not  
16 significantly delay the Administrator’s  
17 schedule for issuing a reregistration  
18 eligibility determination required  
19 under section 4; and

20 “(IV) the Administrator has de-  
21 termined in writing that based on ex-  
22 isting data, such extension would not  
23 significantly increase the risk of any  
24 unreasonable adverse effect on the en-  
25 vironment.

1           If the Administrator grants an extension  
2           under this clause, the Administrator shall  
3           monitor the development of the data and  
4           shall ensure that the registrant is meeting  
5           the schedule for the production of the  
6           data. If the Administrator determines that  
7           the registrant is not meeting the schedule  
8           for the production of such data, the Ad-  
9           ministrators may proceed in accordance  
10          with clause (iv) regarding the continued  
11          registration of the minor use and shall in-  
12          form the public of such action. If, during  
13          the extension period, the Administrator is  
14          furnished data which are sufficient to de-  
15          termine that an unreasonable adverse ef-  
16          fect exists involving the minor use of the  
17          pesticide, the Administrator shall provide,  
18          in writing, to the registrant, a notice re-  
19          voking the extension of time for submission  
20          of data. Such data shall instead be due  
21          within 30 days of receipt of such notice by  
22          the registrant. Nothing in this clause shall  
23          preclude the Administrator from proceed-  
24          ing in accordance with the provisions of  
25          section 6.”.

1           (2) REREGISTRATION.—Sections 4(d)(4)(B),  
2           4(e)(2)(B), and 4(f)(2)(B) (7 U.S.C. 136a–  
3           1(d)(4)(B), (e)(2)(B), and (f)(2)(B)) are each  
4           amended by adding at the end the following: “Upon  
5           the request of a registrant, the Administrator shall,  
6           in the case of a minor use, extend the deadline for  
7           the production of residue chemistry data under this  
8           subsection for data required solely to support that  
9           minor use until the final deadline for submission of  
10          data under section 4 for the other uses of the pes-  
11          ticide if—

12                       “(i) the data to support other uses of  
13                       the pesticide are being provided;

14                       “(ii) the registrant, in submitting a  
15                       request for such an extension provides a  
16                       schedule, including interim dates to meas-  
17                       ure progress, to assure that the data pro-  
18                       duction will be completed before the expi-  
19                       ration of the extension period;

20                       “(iii) the Administrator has deter-  
21                       mined that such extension will not signifi-  
22                       cantly delay the Administrator’s schedule  
23                       for issuing a reregistration eligibility deter-  
24                       mination required under this section; and

1           “(iv) the Administrator has deter-  
2           mined in writing that based on existing  
3           data, such extension would not signifi-  
4           cantly increase the risk of any unreason-  
5           able adverse effect on the environment.

6           If the Administrator determines that the reg-  
7           istrant is not meeting the schedule for the pro-  
8           duction of such data, the Administrator may  
9           proceed in accordance with section  
10          3(c)(2)(B)(iv) regarding the continued registra-  
11          tion of the minor use and shall inform the pub-  
12          lic of such action. If, during the extension pe-  
13          riod, the Administrator is furnished data which  
14          are sufficient to determine that an unreasonable  
15          adverse effect exists involving the minor use of  
16          the pesticide, the Administrator shall provide in  
17          writing, to the registrant, a notice revoking the  
18          extension of time for submission of data. Such  
19          data shall instead be due within 30 days of re-  
20          ceipt of such notice by the registrant. Nothing  
21          in this subparagraph shall preclude the Admin-  
22          istrator from proceeding in accordance with the  
23          provisions of section 6.”.

24          (d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C.  
25          136a(c)(2)) is amended—



1           (1) by inserting “IN GENERAL” after “(A)”, by  
2           inserting “ADDITIONAL DATA” after “(B)”, and by  
3           inserting “SIMPLIFIED PROCEDURES” after “(C)”,  
4           and

5           (2) by adding at the end the following:

6                   “(E) MINOR USE WAIVER.—In handling  
7           the registration of a pesticide for a minor use,  
8           the Administrator may waive otherwise applica-  
9           ble data requirements if the Administrator de-  
10          termines that the absence of such data will not  
11          prevent the Administrator from determining—

12                          “(i) the incremental risk presented by  
13                          the minor use of the pesticide, and

14                          “(ii) that such risk, if any, would not  
15                          be an unreasonable adverse effect on the  
16                          environment.”.

17          (e) EXPEDITING MINOR USE REGISTRATIONS.—Sec-  
18          tion 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

19                  (1) by inserting after “(A)” the following: “IN  
20          GENERAL.—,

21                  (2) by inserting after “(B)” the following:

22                          “IDENTICAL OR SUBSTANTIALLY SIMILAR”.—, and

23                  (3) by adding at the end the following:

24                          “(C) MINOR USE REGISTRATION.—

1           “(i) The Administrator shall, as expeditiously as possible, review and act on any  
2 application (I) that proposes the initial  
3 registration of a new pesticide active ingredient if the active ingredient is proposed to  
4 be registered solely for minor uses or for  
5 non-minor uses and significant minor uses,  
6 or (II) for a registration or a registration  
7 amendment that proposes a new minor  
8 use.  
9

10           “(ii) For the purposes of clause (i)—

11                   “(I) the term ‘as expeditiously as possible’ means that the Administrator shall complete a review and  
12 evaluation of all data submitted with  
13 the application, to the greatest extent  
14 practicable, no later than 6 months  
15 after the submission of the applica-  
16 tion, and  
17

18                   “(II) the term ‘significant minor  
19 uses’ means 3 or more minor uses  
20 proposed for every non-minor use, a  
21 minor use that would, in the judgment  
22 of the Administrator, serve as a re-  
23 placement for any use which has been  
24  
25

1 canceled in the 5 years preceding the  
2 receipt of the application, or a minor  
3 use that in the opinion of the Admin-  
4 istrator would avoid the reissuance of  
5 an emergency exemption under section  
6 18 for that minor use.

7 “(D) ADEQUATE TIME FOR SUBMISSION  
8 OF MINOR USE DATA.—If a registrant makes  
9 a good faith request for a minor use waiver re-  
10 garding data required by the Administrator  
11 pursuant to paragraph (2)(B), and if the Ad-  
12 ministrator denies in whole or in part such data  
13 waiver request, the registrant shall have a full  
14 time period for providing such data. Such full  
15 time period extension shall not be available if  
16 the Administrator determines that the data  
17 waiver request was not made in good faith. Any  
18 determination by the Administrator that a data  
19 waiver request was not submitted in good faith  
20 shall be made in writing to the registrant and  
21 shall be subject to judicial review under the pro-  
22 cedures prescribed by section 16(b).”.

23 (f) TEMPORARY EXTENSION OF REGISTRATION FOR  
24 UNSUPPORTED MINOR USES.—

25 (1) REREGISTRATION.—

1 (A) Sections 4(d)(6) and 4(f)(3) (7 U.S.C.  
2 136a–1(d)(6) and (f)(3)) are each amended by  
3 adding at the end the following: “If the reg-  
4 istrant is not supporting a specific minor use of  
5 the pesticide, but is supporting and providing  
6 data in a timely fashion to support other food  
7 uses the Administrator, at the written request  
8 of the registrant, shall not take any action pur-  
9 suant to this paragraph in regard to such un-  
10 supported minor use until the final deadline for  
11 the submission of data under section 4 for the  
12 supported uses under this paragraph. Upon re-  
13 ceipt of the request from the registrant, the Ad-  
14 ministrator shall publish in the Federal Reg-  
15 ister a notice of the receipt of the request and  
16 the effective date upon which the uses not being  
17 supported will be voluntarily deleted from the  
18 registration. Notwithstanding the provisions of  
19 this paragraph, the Administrator may take ac-  
20 tion to cancel or suspend such minor use, pur-  
21 suant to section 6, if the Administrator deter-  
22 mines that the continuation of the minor use  
23 may cause an unreasonable adverse effect on  
24 the environment.”.

1           (B) Section 4(e)(3)(A) (7 U.S.C. 136a–  
2           1(e)(3)(A)) is amended by adding at the end  
3           the following: “If the registrant is not support-  
4           ing a specific minor use of the pesticide, but is  
5           supporting and providing data in a timely fash-  
6           ion to support other food uses, the Adminis-  
7           trator, at the written request of the registrant,  
8           shall not take any action pursuant to this sub-  
9           paragraph in regard to such unsupported minor  
10          use until the final deadline for the submission  
11          of data for the supported uses under this sub-  
12          paragraph. Upon receipt of the request from  
13          the registrant, the Administrator shall publish  
14          in the Federal Register a notice of the receipt  
15          of the request and the effective date upon which  
16          the uses not being supported will be voluntarily  
17          deleted from the registration. Notwithstanding  
18          the provisions of this subparagraph, the Admin-  
19          istrator may take action to cancel or suspend  
20          such minor use, pursuant to section 6, if the  
21          Administrator determines that the continuation  
22          of the minor use may cause an unreasonable  
23          adverse effect on the environment .”.

1           (2) DATA.—Section 3(c)(2)(B) (7 U.S.C.  
2       136a(c)(2)(B)), as amended by subsection (c), is  
3       further amended by adding at the end the following:

4           “(vii) If the registrant is not supporting a  
5       specific minor use of the pesticide, but is sup-  
6       porting and providing data in a timely fashion  
7       to support other food uses, the Administrator,  
8       at the written request of the registrant, shall  
9       not take any action pursuant to this subpara-  
10      graph in regard to such unsupported minor use  
11      until the final deadline for the submission of  
12      data under section 4 for the supported uses  
13      under this paragraph. Upon receipt of the re-  
14      quest from the registrant, the Administrator  
15      shall publish in the Federal Register a notice of  
16      the receipt of the request and the effective date  
17      upon which the uses not being supported will be  
18      voluntarily deleted from the registration. Not-  
19      withstanding the provisions of this subpara-  
20      graph, the Administrator may take action to  
21      cancel or suspend such minor use, pursuant to  
22      section 6, if the Administrator determines that  
23      the continuation of the minor use would violate  
24      the criteria contained in section 6.”.

1 (g) UTILIZATION OF DATA FOR VOLUNTARILY CAN-  
2 CELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d) is  
3 amended by adding at the end the following:

4 “(4) UTILIZATION OF DATA FOR VOLUNTARILY  
5 CANCELED CHEMICALS.—When an application is  
6 filed with the Administrator for the registration of  
7 a pesticide for a minor use not later than 2 years  
8 after another registrant voluntarily cancels its reg-  
9 istration for an identical or substantially similar pes-  
10 ticide for an identical or substantially similar use,  
11 the Administrator shall process, review, and evaluate  
12 the pending application as if the voluntary cancella-  
13 tion had not yet taken place for purposes of the use  
14 of data from such registration, except that the Ad-  
15 ministrator may not take such action if the Adminis-  
16 trator has evidence that such minor use presents a  
17 risk of an unreasonable adverse effect on the envi-  
18 ronment.”.

19 (h) ENVIRONMENTAL PROTECTION AGENCY MINOR  
20 USE PROGRAM.—The Federal Insecticide, Fungicide, and  
21 Rodenticide Act (7 U.S.C. 121 et seq.) is amended by re-  
22 designating sections 30 and 31 as sections 32 and 33, re-  
23 spectively and adding after section 29 the following:

1 **“SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR**  
2 **USE PROGRAM.**

3 “The Environmental Protection Agency shall assure  
4 coordination of minor use issues through the establish-  
5 ment of a minor use program within the Office of Pes-  
6 ticide Programs. Such office shall be responsible for co-  
7 ordinating the development of minor use programs and  
8 policies, consulting with growers regarding minor use is-  
9 sues and registrations, and tracking and expediting minor  
10 use registrations and amendments which are submitted to  
11 the Environmental Protection Agency.”.

12 (i) DEPARTMENT OF AGRICULTURE MINOR USE  
13 PROGRAM.—The Federal Insecticide, Fungicide, and  
14 Rodenticide Act (7 U.S.C. 121 et seq.), as amended by  
15 subsection (h), is amended by adding at the end the follow-  
16 ing:

17 **“SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PRO-**  
18 **GRAM.**

19 “(a) IN GENERAL.—The Secretary of Agriculture  
20 (hereinafter in this section referred to as the ‘Secretary’)  
21 shall ensure the coordination of the responsibilities of the  
22 Department of Agriculture related to minor uses of pes-  
23 ticides, including—

24 “(1) carrying out the Inter-Regional Research  
25 Project Number 4 (IR-4) as described in section  
26 2(e) of the Act entitled ‘An Act to facilitate the



1 work of the Department of Agriculture, and for  
2 other purposes' (7 U.S.C. 4501(e)) and the national  
3 pesticide resistance monitoring program established  
4 under section 1651 of the Food, Agriculture, Con-  
5 servation, and Trade Act of 1990 (7 U.S.C. 5882);

6 “(2) supporting integrated pest management  
7 research;

8 “(3) consulting with growers to develop data for  
9 minor uses; and

10 “(4) providing assistance for minor use reg-  
11 istrations, tolerances, and reregistrations with the  
12 Environmental Protection Agency.

13 “(b) MATCHING FUND PROGRAM.—

14 “(1) ESTABLISHMENT.—The Secretary of Agri-  
15 culture shall establish a minor use matching fund  
16 program. The matching fund program shall be uti-  
17 lized to ensure the continued availability of minor  
18 use crop protection chemicals, including the develop-  
19 ment of data to support minor use pesticide registra-  
20 tions and reregistrations. Access to the matching  
21 fund program shall be available to any entity which  
22 desires to develop data to support minor use reg-  
23 istrations. Access to the fund shall be given only  
24 those entities that do not directly receive funds from  
25 the sale of products registered on minor uses. Any

1 entity that seeks such funding under this paragraph  
2 shall be required to match such funds with an equal  
3 amount of its own funds. Any data developed  
4 through the matching fund program shall be jointly  
5 owned by the Department of Agriculture and by the  
6 entity that receives such funding. All fees received  
7 by the Department of Agriculture in return for the  
8 use of such data under the matching fund program  
9 shall be returned to a revolving fund which will sup-  
10 port the matching fund program.

11 “(2) AUTHORIZATION.— There is authorized to  
12 be appropriated for the revolving fund for the  
13 matching fund program an annual sum not to ex-  
14 ceed \$10,000,000.”.

## 15 **TITLE II—PUBLIC HEALTH** 16 **PESTICIDES**

### 17 **SEC. 201. DEFINITIONS.**

18 (a) ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C.  
19 136(bb)) is amended by adding at the end the following:  
20 “The Administrator shall consider the risks and benefits  
21 of public health pesticides separate from the risks and  
22 benefits of other pesticides. In weighing any regulatory ac-  
23 tion concerning a public health pesticide under this Act,  
24 the Administrator shall weigh any risks of the pesticide

1 against the health risks such as the diseases transmitted  
2 by the vector to be controlled by the pesticide.”.

3 (b) NEW DEFINITIONS.—Section 2 (7 U.S.C. 136),  
4 as amended by section 101, is amended by adding at the  
5 end the following:

6 “(ii) PUBLIC HEALTH PESTICIDE.—The term ‘public  
7 health pesticide’ means any minor use pesticide product  
8 registered for use and used predominantly in public health  
9 programs for vector control or for other recognized health  
10 protection uses, including the prevention or mitigation of  
11 viruses, bacteria, or other microorganisms (other than vi-  
12 ruses, bacteria, or other microorganisms on or in living  
13 man or other living animal) that pose a threat to public  
14 health.

15 “(jj) VECTOR.—The term ‘vector’ means any orga-  
16 nism capable of transmitting the causative agent of human  
17 disease or capable of producing human discomfort or in-  
18 jury, including mosquitoes, flies, fleas, cockroaches, or  
19 other insects and ticks, mites, or rats.”.

20 **SEC. 202. REGISTRATION.**

21 Section 3(c)(2)(A) (7 U.S.C 136a(c)(2)(A)) is  
22 amended—

23 (1) by inserting after “pattern of use,” the fol-  
24 lowing: “the public health and agricultural need for  
25 such minor use,”, and

1           (2) by striking out “potential exposure of man  
2           and the environment to the pesticide” and inserting  
3           in lieu thereof “potential beneficial or adverse effects  
4           on man and the environment”.

5   **SEC. 203. REREGISTRATION.**

6           Section 4 (7 U.S.C. 136a-1) is amended—

7           (1) in subsection (i)(4), by redesignating sub-  
8           paragraphs (B) and (C) as subparagraphs (C) and  
9           (D), respectively and by adding after subparagraph  
10          (A) the following:

11                 “(B) The Administrator shall exempt any  
12                 public health pesticide from the payment of the  
13                 fee prescribed under paragraph (3) if, in con-  
14                 sultation with the Secretary of Health and  
15                 Human Services, the Administrator determines,  
16                 based on information supplied by the registrant,  
17                 that the economic return to the registrant from  
18                 sales of the pesticide does not support the reg-  
19                 istration or reregistration of the pesticide.”;

20          (2) in subsection (i)(5), by redesignating sub-  
21          paragraphs (F) and (G) as subparagraphs (G) and  
22          (H), respectively, and by adding after subparagraph  
23          (E) the following:

24                 “(F) The Administrator shall exempt any  
25                 public health pesticide from the payment of the

1 fee prescribed under paragraph (3) if, in con-  
2 sultation with the Secretary of Health and  
3 Human Services, the Administrator determines,  
4 based on information supplied by the registrant,  
5 that the economic return to the registrant from  
6 sales of the pesticide does not support the reg-  
7 istration or reregistration of the pesticide.”;

8 (3) in subsection (i)(7)(B), by striking out “or  
9 to determine” and inserting in lieu thereof “, to de-  
10 termine” and by inserting before the period the fol-  
11 lowing: “, or to determine the volume usage for pub-  
12 lic health pesticides”; and

13 (4) in subsection (k)(3)(A), by striking out “or”  
14 at the end of clause (i), by striking the period at the  
15 end of clause (ii) and inserting in lieu thereof “; or”,  
16 and by inserting after clause (ii) the following:

17 “(iii) proposes the initial or amended  
18 registration of an end use pesticide that, if  
19 registered as proposed, would be used for  
20 a public health pesticide.”.

21 **SEC. 204. CANCELLATION.**

22 Section 6(b) is amended by striking out “or” at the  
23 end of paragraph (1), by striking out the period at the  
24 end of paragraph (2) and inserting in lieu thereof “; or”,  
25 and by adding after paragraph (2) the following:

1           “(3) if a pesticide is registered or proposed for  
2       registration for public health uses, to send the notice  
3       specified in this subsection to the Secretary of  
4       Health and Human Services for review.

5       The Secretary of Health and Human Services shall com-  
6       ment under this subsection in accordance with the proce-  
7       dures followed and subject to the same conditions as com-  
8       ments by the Secretary of Agriculture in the case of agri-  
9       cultural pesticides.”.

10   **SEC. 205. VIEWS OF THE SECRETARY OF HEALTH AND**  
11                           **HUMAN SERVICES.**

12       Section 21 (7 U.S.C. 136s) is amended by redesign-  
13       nating subsections (b) and (c) as subsections (c) and (d),  
14       respectively, and by adding after subsection (a) the follow-  
15       ing:

16       “(b) SECRETARY OF HEALTH AND HUMAN SERV-  
17       ICES.—The Administrator, before publishing regulations  
18       under this Act for any public health pesticide, shall solicit  
19       the views of the Secretary of Health and Human Services  
20       in the same manner as the views of the Secretary of Agri-  
21       culture are solicited under section 25(a).”.

22   **SEC. 206. AUTHORITY OF ADMINISTRATOR.**

23       Section 25(a)(1) (7 U.S.C 136w(a)(1)) is amended—

1           (1) by inserting after “various classes of pes-  
2       ticides” the following: “, including public health pes-  
3       ticides,” and

4           (2) by striking out “and nonagricultural pes-  
5       ticides” and inserting in lieu thereof “, non-  
6       agricultural, and public health pesticides”.

7   **SEC. 207. IDENTIFICATION OF PESTS.**

8       Section 28 (7 U.S.C. 136w-3) is amended by adding  
9   at the end the following:

10      “(d) PUBLIC HEALTH PESTS.—The Administrator,  
11   in coordination with the Secretary of Health and Human  
12   Services, shall identify pests of significant public health  
13   importance and, in coordination with the Public Health  
14   Service, develop and implement programs to improve and  
15   facilitate the safe and necessary use of chemical, biologi-  
16   cal, and other methods to combat and control such pests  
17   of public health importance.”.

18   **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

19      There is authorized to be appropriated to carry out  
20   the purposes of this title \$12,000,000 for fiscal year 1995  
21   and such sums as may be necessary for succeeding fiscal  
22   years.

# **TITLE III—ANTIMICROBIAL PESTICIDES**

## **SEC. 301. ANTIMICROBIAL PESTICIDES.**

(a) DEFINITIONS.—Section 2 (7 U.S.C. 136), as amended by sections 101 and 201, is amended by adding at the end the following:

“(kk) ANTIMICROBIAL PESTICIDE.—The term ‘antimicrobial pesticide’ means a pesticide which—

“(1) is intended to sterilize, disinfect, sanitize, mitigate growth and development, or protect inanimate objects, industrial processes or systems, surfaces, or chemical substances from contamination, degradation, fouling, inefficiency, or deterioration caused by microbiological organisms (including bacteria, viruses, fungi, algae, or composite slime); and

“(2) in the intended use is exempt from, or otherwise not subject to, a tolerance under sections 408 or 409 of the Federal Food, Drug, and Cosmetic Act.”.

(b) REQUIREMENTS FOR REGISTRATION.—Section 3 (7 U.S.C. 136a) is amended by adding at the end the following:

“(g) REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.—Within 1 year of the date of the enactment of the Minor Crop Protection Act of



1 1994, the Administrator shall propose regulations estab-  
2 lishing requirements for the registration of antimicrobial  
3 pesticides, including guidelines specifying the information  
4 and data required for registration. Such guidelines shall  
5 provide applicants for registration with information suffi-  
6 cient to determine each scientific study that must be sub-  
7 mitted as part of a registration application, specify re-  
8 quired methods for data developed or submitted in support  
9 of a registration, and describe registration application for-  
10 mat requirements and any objective criteria for evaluating  
11 the completeness of the application.

12 “(h) STUDY OF ANTIMICROBIAL REGISTRATION PRO-  
13 CEDURES.—Not later than 2 years after the date of the  
14 enactment of this subsection, the Administrator shall pre-  
15 pare a report for Congress that evaluates the process for  
16 registering antimicrobial pesticides. The Administrator  
17 shall submit the report to the Committee on Agriculture  
18 of the House of Representatives and the Committee on  
19 Agriculture, Nutrition, and Forestry of the Senate. The  
20 report shall include the following:

21 “(1) An evaluation of different ways to acceler-  
22 ate the review of pesticides which meet the criteria  
23 of paragraph (3)(B)(i) and an estimate of the re-  
24 sources the Administrator would need to implement  
25 such changes.

1           “(2) An estimate of the resources needed to  
2       make a decision—

3           “(A) within 90 days of receipt of an appli-  
4       cation to register a pesticide that meets the cri-  
5       teria of paragraph (3)(B)(i), whether to ap-  
6       prove the application;

7           “(B) within 300 days of receipt of an ap-  
8       plication to register an antimicrobial pesticide  
9       that contains a new active ingredient, whether  
10      to approve the application; or

11          “(C) within 200 days of receipt of an ap-  
12      plication to add a new use to the registration of  
13      an antimicrobial pesticide, whether to approve  
14      the application.

15          “(3) A calculation of the amount of fees paid  
16      under section 4(i)(5) that are paid for antimicrobial  
17      pesticides.

18          “(4) A calculation of the amount of appro-  
19      priated funds involving the registration and rereg-  
20      istration of antimicrobial pesticides.”.

21   **SEC. 302. PESTICIDE LABELING.**

22       For pesticides that are or may be diluted for use, the  
23      label or labeling required under the Federal Insecticide,  
24      Fungicide, and Rodenticide Act may have a different  
25      statement of caution or protective measures for use of rec-

1 ommended diluted solutions of the pesticide than for use  
2 of concentrates of the pesticide. Such a precautionary  
3 statement shall provide adequate protection for exposure  
4 to the dilute solution of the pesticide.

## 5 **TITLE IV—EXPEDITED REVIEW** 6 **OF CERTAIN PESTICIDE REG-** 7 **ISTRATIONS**

### 8 **SEC. 401. OFFICE OF ACCELERATED REVIEW.**

9 The Administrator shall establish within the Office  
10 of Pesticide Programs an office to oversee and expedite  
11 the evaluation of applications for the registration of pes-  
12 ticides that meet the criteria of paragraph (9) of section  
13 3(c) of the Federal Insecticide, Fungicide, and  
14 Rodenticide Act.

### 15 **SEC. 402. EXPEDITED REVIEW OF CERTAIN PESTICIDE REG-** 16 **ISTRATIONS.**

17 Section 3(c) (7 U.S.C. 136a(c)) is amended—

18 (1) in paragraph (1) by adding at the end the  
19 following:

20 “(G) If the applicant is requesting the ex-  
21 pedited registration, or amendment to the reg-  
22 istration, of a pesticide, an explanation of the  
23 basis for the request, in accordance with para-  
24 graph (9) of this subsection.”; and

25 (2) by adding at the end the following:

1           “(9) EXPEDITED REGISTRATION OF CERTAIN  
2 PESTICIDES.—

3           “(A)(i) Not later than 1 year after the  
4 date of the enactment of this paragraph and  
5 after opportunity for public comment, the Ad-  
6 ministrator shall develop regulations and guide-  
7 lines for the expedited review of applications for  
8 the registration of pesticides that meet the cri-  
9 teria of this subparagraph.

10           “(ii) The Administrator shall expedite the  
11 review of an application for registration of a  
12 pesticide or an amendment to a registration  
13 that satisfies the guidelines developed under  
14 this subparagraph. Biological pesticides will be  
15 presumed to qualify for expedited review under  
16 this paragraph. In developing guidelines for the  
17 expedited review of a pesticide under this para-  
18 graph, the Administrator shall consider the ex-  
19 tent to which a pesticide may reasonably be ex-  
20 pected to—

21           “(I) reduce the risks of pesticides to  
22 human health;

23           “(II) exhibit a high degree of specific-  
24 ity for the target pest and pose a low risk  
25 for nontarget organisms;

1           “(III) facilitate the management of  
2           pests while conserving existing natural con-  
3           trols; or

4           “(IV) minimize the potential for  
5           ground water or surface water contamina-  
6           tion, or other valued environmental re-  
7           sources.

8           “(B)(i) The Administrator, not later than  
9           30 days after receipt of an application for expe-  
10          dited review, shall notify the applicant whether  
11          the application is complete. If it is found to be  
12          incomplete, the Administrator shall reject the  
13          request for an expedited review.

14          “(ii) If the application is complete, the Ad-  
15          ministrator shall notify the applicant whether  
16          the application qualifies for expedited review  
17          within 60 days.

18          “(iii) If an application for registration or  
19          an amendment qualifies for expedited review  
20          under this paragraph, the Administrator shall,  
21          not later than 6 months after accepting such  
22          application, notify the registrant if the applica-  
23          tion has been granted or denied. If the applica-  
24          tion is denied, the Administrator shall comply  
25          with the procedure under section 3(c)(6).

1           “(C) If at any time after the expedited  
2 registration of a pesticide, the registrant has  
3 additional information bearing on the pes-  
4 ticide’s ability to meet the guidelines established  
5 under subparagraph (A), the registrant shall  
6 immediately submit a report containing such in-  
7 formation to the Administrator.”.

8 **SEC. 403. CONDITIONAL REGISTRATION FOR CERTAIN PES-**  
9 **TICIDES.**

10       Section 3(c)(7) (7 U.S.C. 136a(c)(7)) is amended by  
11 adding at the end the following:

12           “(D)(i) The Administrator may condi-  
13 tionally register or amend the registration of a  
14 pesticide that meets the criteria of paragraph  
15 (9) if—

16                   “(I) the applicant agrees to generate  
17 any additional data that the Administrator  
18 deems appropriate to evaluate the pes-  
19 ticide; and

20                   “(II) the applicant agrees to submit  
21 periodic reports as the Administrator may  
22 require.

23       A conditional registration under this subpara-  
24 graph shall be granted only if the Administrator  
25 determines, based on available information, that

1 use of the pesticide during such period will not  
2 cause any unreasonable adverse effect on the  
3 environment and that use of the pesticide is in  
4 the public interest.

5 “(ii) If at any time after a conditional reg-  
6 istration is approved under this subparagraph,  
7 and before a complete set of data has been sub-  
8 mitted in support of the registration, the Ad-  
9 ministrator determines that a pesticide does not  
10 meet the criteria specified in clause (i), the Ad-  
11 ministrator may by order suspend the registra-  
12 tion until such time as the registrant dem-  
13 onstrates that the criteria for conditional reg-  
14 istration are met. Such order shall be sent to  
15 the registrant and published in the Federal  
16 Register. The order shall include the bases for  
17 suspension together with a description of the  
18 types of information the Administrator believes  
19 must be submitted to determine whether the  
20 pesticide meets the criteria for conditional reg-  
21 istration.

22 “(iii) A registrant, or any other interested  
23 person with the concurrence of the registrant,  
24 may, within 30 days of publication of the sus-  
25 pension order in the Federal Register, petition

1 the Administrator to reconsider the issuance of  
2 the suspension order. A petitioner must include  
3 in the petition specific bases supporting the pe-  
4 tition. The Administrator shall, within 90 days  
5 of receipt of the last of such petitions, issue an  
6 order granting or denying petitions timely re-  
7 ceived. Such order shall be sent to the peti-  
8 tioner and published in the Federal Register,  
9 and shall include the factual and legal bases for  
10 the Administrator's determination of the peti-  
11 tion.

12 “(iv) If the Administrator receives infor-  
13 mation or a petition with respect to any adverse  
14 effects of a pesticide for which a conditional  
15 registration has been granted under this sub-  
16 paragraph, the Administrator may refer the  
17 matter to a Scientific Advisory Panel for re-  
18 view.”.

19 **SEC. 404. INTEGRATED PEST MANAGEMENT.**

20 (a) INTEGRATED PEST MANAGEMENT PROJECTS.—  
21 The Secretary of Agriculture, in consultation with the Ad-  
22 ministrator of the Environmental Protection Agency, shall  
23 encourage integrated pest management projects to be or-  
24 ganized around specific pests and specific environmental  
25 problems faced by growers and others in partnership with



1 scientists from local research organizations, including  
2 land-grant or other universities and the Department, or  
3 growers, and funded by a competitive, peer review grants  
4 program.

5 (b) GOALS AND OBJECTIVES.—The goals and objec-  
6 tives of integrated pest management projects shall be  
7 area-specific and commodity or crop-specific in manner  
8 that allows the projects to be qualitatively and quan-  
9 titatively evaluated. The Environmental Protection Agency  
10 and the Department of Agriculture shall evaluate the im-  
11 plementation and effectiveness of integrated pest manage-  
12 ment projects based on the following criteria:

13 (1) Risks to growers from crop losses and dras-  
14 tic yield variations.

15 (2) Effectiveness of the utilization of alternative  
16 pesticides, including resistant hosts, biological con-  
17 trol agents, and cultural controls.

18 (3) Use of practices that avoid or minimize the  
19 development of genetic resistance in pests to chemi-  
20 cals or other tactics used to control them.

21 **SEC. 405. RESISTANCE MANAGEMENT.**

22 Section 3(c) (7 U.S.C. 136a(c)), as amended by sec-  
23 tion 402, is amended by adding at the end the following:

24 “(10) EVIDENCE OF PEST RESISTANCE.—If the  
25 Secretary of Agriculture, in consultation with the

1 Administrator, determines that pest resistance to a  
2 pesticide is detected and is likely to diminish the ef-  
3 ficacy of the product or threatens to accelerate the  
4 evolution of resistance to other registrations of the  
5 same or similar products, the Administrator shall  
6 provide technical assistance to the applicant or reg-  
7 istrant to—

8 “(A) develop a plan to minimize the poten-  
9 tial for development of resistance that includes  
10 amended labeling directions for resistance strat-  
11 egies; and

12 “(B) conduct monitoring and submit re-  
13 ports as the Administrator may deem necessary  
14 to evaluate the effectiveness of the resistance  
15 plan.

16 The plan developed under subparagraph (A) should  
17 also address the potential for resistance development  
18 in other geographical areas of the United States.”.

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